

# **ORDINANCE 1552**

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, EXTENDING THE INTERIM ZONING REGULATIONS ADOPTED IN ORDINANCE 1523, AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT, PROHIBITING COMMERCIAL TRUCK CENTERS AND PARKING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

**WHEREAS**, due to the potential adverse impacts to air quality, noise, traffic and city streets, economics and infrastructure, the City of North Bend has determined additional commercial truck travel centers, truck parking or expansion of the existing truck travel center, beyond the current site, is not in the best interest of North Bend without additional in-depth analysis; and

**WHEREAS**, the North Bend Planning Commission has been particularly busy for the past year working on the required update of the City's Comprehensive Plan; and

**WHEREAS**, due to the City's work on its Comprehensive Plan update, the Planning Commission has not had sufficient time to analyze the truck travel center land use and its impacts, and the Community and Economic Development Department has therefore not been able to bring forth proposed permanent regulations for Planning Commission and City Council consideration; and

**WHEREAS**, through the adoption of Ordinance 1523 on April 15, 2014, the City Council adopted interim development regulations prohibiting commercial truck centers and parking; and

**WHEREAS**, pursuant to State law, the City held a public hearing on April 15, 2014 and on April 21, 2015 to take public testimony and further consider said interim development regulations; and

**WHEREAS**, the City Council finds that it is necessary to extend the effective duration date of the interim zoning regulations adopted in Ordinance 1523 under the provisions of RCW 36.70A.390 for an additional six (6) months in order to allow adequate time for the City to research and analyze the truck travel center land use and its impacts, and for the

Community and Economic Development Department to bring forth related regulations for Planning Commission and City Council consideration;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact:** The City Council hereby adopts the “Whereas” clauses set forth above as its findings of fact in support of extending the City’s interim zoning regulations adopted in Ordinance 1523.

**Section 2. Extension of Adopted Interim Zoning Regulations:** The City Council hereby extends for six months adoption, as interim zoning regulations, of the following definition of “commercial truck center/service area” set forth in North Bend Municipal Code (“NBMC”) Section 18.06.030, and the following Subsections of NBMC Section 18.10.025.C.d. (Special District, East North Bend Master Plan Overlay District (ENB-MPOD)):

**18.06.030 Definitions**

“Commercial truck center/service area” means a commercial facility which provides refueling, rest area, day or overnight truck parking, food, truck maintenance services and other services for the commercial freight and truck industry and associated drivers.

**18.10.025.C.3.d.ii(F)**

(F) Commercial truck center/service area is prohibited.

**18.10.025.C.3.d.iv**

iv. Commercial Truck Center/Service Areas. The ENB-MPOD includes an existing commercial truck travel center, commonly known as Truck Town, which is located on approximately 15.5 acres in the Interchange Commercial zone. Due to its location at the base of Snoqualmie Pass and at the gateway to the Puget Sound area, commercial truck traffic and overnight truck parking is often an issue, creating unmitigated adverse impacts to the city’s streets and air quality. This facility is currently the only commercial truck center in King County. The city has determined a new commercial truck center/service area or expansion of the existing use, beyond the current site, is not in the best interest of North Bend and therefore prohibited. The existing commercial truck center/service area may continue to operate and improve the facility, at its current site, subject to the provisions below. As used in this section, “substantial improvements” means improvements worth more than 50 percent of the assessed value of the original building(s).

(A) Substantial improvement to existing commercial truck travel center facilities shall make available truck stop electrification capabilities, or other means for each truck to utilize to eliminate idling.

(B) Substantial improvement to existing commercial truck travel center facilities shall require full compliance with the North Bend Municipal Code.

(C) Any redevelopment of the existing 15.5-acre commercial truck travel center located in the Interchange Commercial zone shall locate all retail, restaurants and commercial buildings along 468th Avenue SE and North Bend Way (see Figure 18.10.025-2, commercial building priority area). Truck and vehicular parking and truck service areas shall be placed to the rear and internal areas of the site. Truck parking is prohibited adjacent to North Bend Way or 468th Avenue SE.

(D) Commercial truck parking areas shall not be located adjacent to public streets, unless a 30-foot, Type 2 landscape buffer is provided.

(E) Performance Standards. Commercial truck travel centers and related uses shall comply with the performance standards as set forth in NBMC 18.10.050.

(F) Permitted Uses. For Interchange Commercial zoned property within the ENB-MPOD, all uses permitted in the IC zone as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses, are permitted including commercial truck travel center.

**Section 3. Effective Duration of Interim Development Regulations:** The interim zoning regulations set forth in Ordinance 1523 and extended in this Ordinance shall be in effect for a period of six (six) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six month period unless sooner repealed.

**Section 4. Public Hearing and Work Plan:** The City Council will hold a public hearing at the City Council's regular meeting beginning at 7:00 p.m. on April 21, 2015, or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings of fact. The Mayor is requested to implement a Work Plan in order to prepare and bring forward to the Planning Commission and City Council proposed permanent regulations for commercial truck center/service areas.

**Section 5. Severability:** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6. Effective Date:** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace,

shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the “WHEREAS” clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21<sup>ST</sup> DAY OF APRIL, 2015.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: April 29, 2015  
Effective: April 21, 2015

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**Susie Oppedal, City Clerk**